

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:
Bates et al.

Serial No.: 09/574,157

Filed: May 18, 2000

For: METHOD AND APPARATUS
FOR DYNAMIC WEB PAGE
ARRANGEMENT

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Confirmation No.: 6988

Group Art Unit: 2179

Examiner: Ba Huynh

MAIL STOP APPEAL BRIEF - PATENTS
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January 3, 2006 /Christopher T. Shannon, Reg. No. 58,222/
Date Christopher T. Shannon

Dear Sir:

REPLY BRIEF

Applicants submit this Reply Brief to the Board of Patent Appeals and Interferences in response to the Examiner's Answer dated November 2, 2006, (hereinafter Examiner's Answer). While Applicants maintain each of the arguments submitted in Applicant's' previously submitted Appeal Brief, Applicants make the following further arguments in light of the Examiner's Answer. Please charge any additional fees that may be required to make this Reply Brief timely and acceptable to Deposit Account No. 09-0465 / ROC920000066US1.

ARGUMENT

I. THE EXAMINER ERRED IN REJECTING CLAIMS 5-9, 11 and 21-31 UNDER 35 U.S.C. 103(A) AS BEING UNPATENTABLE OVER US PATENT 5,799,292 TO HEKMATPOUR

The Current Objection

Claims 5-9, 11 and 21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,799,292 (*Hekmatpour*).

Response to Examiner's Arguments

In response to the Examiner's argument beginning on page 9, line 8 and continuing through to page 11, line 6 of the Examiner's Answer, the Applicants respectfully disagree. Respectfully, the Examiner fails to appreciate the clear, distinct disclosure in the Applicants' specification of rearranging of content in an HTML page and repositioning an HTML page within a display screen. Specifically, the Examiner either fails to recognize the difference between rearranging of content in an HTML page and repositioning a page (where the latter includes scrolling), or the Examiner suggests that the Applicants specification is limited to rearranging. Respectfully, the Examiner errs in either case.

As described on page 12, lines 14-18 of the Applicants' specification, rearranging an HTML page includes, for example, placing a particular line or lines of the HTML document at the top of the page or rearranging elements of the page, such as altering the lines of a table displayed on the page. Thus, rearranging an HTML page includes altering the location of objects within an HTML page with respect to the location of other objects within the HTML page.

Repositioning, on the other hand, is described by the Applicants as moving a page within a display screen. See, Applicants' specification, page 13, lines 26-30. Repositioning an HTML page is specifically described by the Applicants to include scrolling a page from an initial position to a new position based on previously recorded user page positioning information, according to one embodiment. *Id.*

The present claims are, therefore, directed to the embodiment of repositioning a page (as opposed to rearranging elements of a page). More particularly, the claims recite repositioning by automatically scrolling the page. That the Examiner appears not to appreciate this distinction (or, alternatively, fails to acknowledge the clear support in the Applicants' specification for repositioning a Web page by scrolling) is evidenced by the fact that the Examiner repeatedly cites to Figures 6a-c of the Applicants' specification. Respectfully, Applicants submit that the Examiner's reliance on Figures 6a-c is misplaced in that Figures 6a-6c of the specification are directed to rearranging (as opposed to repositioning) an HTML page. Applicants' specification clearly discloses repositioning an HTML page based on previously recorded user interactions, and that repositioning an HTML page is distinctly different from rearranging an HTML page. See Applicants' specification, page 13, line 31 – page 14, line 4. Furthermore, as pointed out above, repositioning is accomplished by scrolling, according to one embodiment. See Applicant's specification, page 13, lines 26-30. In contrast, and as pointed out by the Examiner (see Examiner's Answer, page 11, lines 5-6), *Hekmatpour* is directed to rearranging (i.e., moving) fields within a document. (See also, *Hekmatpour*, column 7, lines 1-19). Therefore, *Hekmatpour* does not teach automatically scrolling (which effects a repositioning of the page), as recited in the claims.

Applicants note that the Examiner takes issues with Applicants' proposed definition of "scroll." Examiner's Answer, page 9, lines 11-22. Whatever the Examiner's particular concern with Applicants' specific definition, it is clear that scrolling a Web page is distinct from rearranging the individual elements within a Web page. This is a distinction supported by the Applicants' own specification (as described above) and by *Hekmatpour*, and is a distinction that is quite simply well-known to all computer end-

users. In fact, it is a distinction that even the Examiner seems to acknowledge, since the Examiner distinguishes between scrolling and rearranging elements of a Web page at page 10, lines 3-5 of the Examiner's Answer. Further elaboration is, therefore, not necessary. Having established that the Applicants' specification clearly provides for support for both repositioning Web pages and rearranging elements of a Web page, and in particular supports repositioning by scrolling, and having established that the Examiner erroneously characterizes the claims as being directed to rearranging elements of a Web page (when the claims are in fact directed to scrolling/repositioning Web pages), Applicants submit that the rejection has been overcome.

On page 11, line 8 of the Examiner's Answer, the Examiner argues that "hypermedia objects are automatically scrolled" in *Hekmatpour*. Applicants respectfully disagree and believe that the Examiner mischaracterizes *Hekmatpour*. First, the Examiner provides no support (i.e., no citation to *Hekmatpour*) for the conclusion that "hypermedia objects are automatically scrolled" by *Hekmatpour*. Second, in *Hekmatpour* scrolling is clearly described as a manual user-function which is to be mitigated or eliminated rather than an automatic function done on the basis of previous user interactions, as recited in the claims. See, e.g., *Hekmatpour*: col 7, lines 31-33; col 10, lines 13-16; col 10, lines 30-31. Third, Web pages are not scrolled in *Hekmatpour*, rather the various objects of the page are rearranged for the very purpose of avoiding (manual) scrolling of the page. *Hekmatpour*: col 7, lines 1-14).

In regards to the Examiner's argument on page 11, lines 15-20 of the Examiner's Answer, Applicant submits that this argument has been addressed thoroughly above. Specifically, hypermedia objects in *Hekmatpour* are not automatically scrolled, rather they are rearranged, as stated in *Hekmatpour* at column 7, lines 1-19.

Regarding the Examiner's argument on page 11, line 21 through page 12, line 12, Applicants refer to the Applicants' previous response. Specifically, page 12, line 27 through page 13, line 6 of the Applicants' Appeal Brief addresses this argument.

Conclusion

In conclusion, *Hekmatpour* does not teach, show or suggest all of the limitations of the present claims. Accordingly, Applicants respectfully request the rejection of the claims be withdrawn.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/

Gero G. McClellan
Registration No. 44,227
Patterson & Sheridan, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Appellants